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16 *California State Water Resources Control Board*

17 IN THE UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

19 COHO SALMON (*Oncorhynchus kisutch*),
20 NORTHERN CALIFORNIA RIVER
21 WATCH, a non-profit Corporation and
COAST ACTION GROUP,

22 Plaintiffs,

23 v.

24 CLINTON FOLGER doing business as
25 GREEN PASTURES VALLEY, LLC;
DOROTHY R. RICE, Executive Director,
CALIFORNIA STATE WATER
RESOURCES CONTROL BOARD; and
DOES 1-20, Inclusive,

26 Defendants.

3:10-cv-00741 JL

STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME FOR
MEDIATION

Judge: The Hon. James Larson

Action Filed: February 22, 1010

27 On December 6, 2010, Defendants DOROTHY R. RICE and CALIFORNIA STATE
28 WATER RESOURCES CONTROL BOARD (State Defendants) will be filing a Motion to
Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to be heard on January
26, 2011. Among other arguments, State Defendants will argue that the CALIFORNIA STATE
WATER RESOURCES CONTROL BOARD is a state agency immune from suit under the

1 Eleventh Amendment to the United States Constitution. Plaintiffs aver that the STATE WATER
2 RESOURCES CONTROL BOARD is not a named party in the suit.

3 The parties hereby stipulate and agree that the deadline for mediation should be extended to
4 30 days after January 26, 2011 so that this Court has an opportunity to decide whether the State
5 Defendants should be dismissed from the suit. State Defendants are signing this Stipulation
6 without waiving or releasing their rights under the Eleventh Amendment to the United States
7 Constitution.

8 Dated: December 1, 2010

9 Respectfully submitted,

10 EDMUND G. BROWN JR.
11 Attorney General of California
12 JOHN DAVIDSON
13 Supervising Deputy Attorney General

14 /S/ ALLISON E. GOLDSMITH

15 ALLISON E. GOLDSMITH
16 Deputy Attorney General
17 *Attorneys for Defendant California State*
18 *Water Resources Control Board*

19 Dated: December 1, 2010

20 APPROVED:

21 LAW OFFICES OF JACK SILVER

22 *E-mail Approval 12/1/10*

23 Dated: December 1, 2010

24 JACK SILVER
25 *Attorneys for Plaintiffs Coho Salmon,*
Northern California River Watch & Coast
Action Group

26 APPROVED:

27 ANDRIAN & GALENSEN

28 *E-mail Approval 12/1/10*

29 IT IS SO ORDERED

30 Dated: December 3, 2010

31 
32 JAMES LARSON
33 UNITED STATES MAGISTRATE JUDGE